

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

<p>D. G. Sweigert Plaintiff</p> <p style="text-align: center;">-against-</p> <p>Jason Goodman, Defendant</p>	<p>PRO SE</p> <p>23-cv-05875-JGK-VF</p> <p>Assigned to: Judge John G. Koeltl</p> <p>Referred to: Magistrate Judge Valerie Figueredo</p> <p>Related Case: 23-cv-06881-JGK-VF</p>
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MOTION FOR A DEFAULT NOTATION AGAINST JASON GOODMAN

The *pro se* Plaintiff seeks relief from this Court as a consequence of the Defendant's failure to answer the Amended Complaint ECF 13, filed 9/23/2023 in 23-cv-05875-JGK-VF.

May 21, 2024 (5/21/2024)

**D. G. SWEIGERT PRO SE PLAINTIFF, C/O
PMB 13339, 514 Americas Way,
Box Elder, SD 57719**

CERTIFICATE OF SERVICE

Under the penalties of perjury undersigned certifies that a true copy of this pleading has been mailed to: Jason Goodman, 252 7th Avenue, New York, New York 10001.

May 21, 2024 (5/21/2024)

**D. G. SWEIGERT PRO SE PLAINTIFF, C/O, PMB
13339, 514 Americas Way, Box Elder, SD 57719**

SUMMARY

PRO SE PLAINTIFF D.G. Sweigert re-motions this Court for a default notation. This motion was originally filed as ECF no. 95, 12/15/2023. Since that time Defendant Goodman has been granted three (3) extensions to answer the Amended Complaint (AC) and has filed several motions which are no longer under adjudication before this Court. Therefore, pursuant to Fed. R. Civ. Proc. Rule 55 and Local Rule 55.1, the Plaintiff seeks a DEFAULT notation.

HISTORY

ECF no. 97, 12/21/2023, denied the original motion for default notation relying primarily on the fact that the Court had granted Goodman an extension to answer the AC. A second extension was granted to Goodman to answer the AC, issued at ECF 101, 1/10/2024. Another extension was granted at ECF 104, 1/17/2024, that ordered Goodman to answer to the AC by 2/16/2024, and added "Absent extraordinary circumstances, no further extensions of time to respond to the Amended Complaint will be granted." The Court amplified its decision at ECF 109, 1/23/2024, stating "Plaintiff's request for the court to take judicial notice of "relevant judicial orders" is premature. Defendant has not yet answered the complaint and there is no pending motion for the court to adjudicate." Then by ORDERS at ECF 138, 139 and 140 (5/21/2024) all pending motions were adjudicated.

RELIEF REQUESTED

The motion for a default notation is now ripe and should be granted. Goodman has failed to answer the AC as directed by this Court on several occasions.



May 21, 2024 (5/21/2024)

D. G. SWEIGERT PRO SE PLAINTIFF,

C/O PMB 13339, 514 Americas Way, Box Elder, SD 57719